

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Robertson, Anschutz, Schneid, Crane &amp; Partners, PLLC</b> 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorney For Secured Creditor  Aleisha C. Jennings, Esq. (BAR # 049302015)	CASE NO.: 24-10726-MBK CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b>  <b>Gladys Montalvo</b> <b>Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-QS6 ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 11), and states as follows:

1. Gladys Montalvo ("Debtor") filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on January 26, 2024.
2. Secured Creditor holds a security interest in the Debtor's real property located at 331 Gordons Corner Rd Manalapan, NJ 07726 by virtue of a Mortgage recorded on March 17, 2004 in Instrument #2004059418 of the Public Records of Monmouth County, NJ. Said Mortgage secures a Note in the amount of \$307,000.00.
3. The Debtor filed a Chapter 13 Plan on February 11, 2024.
4. The Plan proposes to cure Secured Creditors claim through sale of the subject property. Debtor's Plan appears to be speculative as it is silent as to what efforts have been undertaken to sell the property. There are no filings on the case docket with respect to an application of sale. The Plan is also silent as to an alternative treatment in the event that a sale is not consummated.

5. Furthermore, the Debtor has failed to provide an appraisal to demonstrate that the alleged sale of the property will exceed the aggregate of liens encumbering the subject property. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any sale of subject property efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Robertson, Anschutz, Schneid, Crane & Partners,  
PLLC  
Authorized Agent for Secured Creditor  
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By: /s/ Aleisha C. Jennings  
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**CERTIFICATION OF SERVICE**

1. I, Devin Atchison, am the secretary/paralegal for Robertson, Anschutz, Schneid, Crane & Partners, PLLC, who represents the DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-QS6 in the above-captioned matter.
2. On March 4, 2024, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below:

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: 3/4/2024

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Fax: 973-404-8886

By: /s/ Devin Atchison  
Email: [datchison@raslg.com](mailto:datchison@raslg.com)

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Mark S Cherry Mark S. Cherry, ESQ. 385 Kings Highway North Suite 101 Cherry Hill, NJ 08034	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other
		(as authorized by the court*)
Gladys Montalvo 331 Gordons Corner Road Manalapan, NJ 07726	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other
		(as authorized by the court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other
		(as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other
		(as authorized by the court*)

